

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN DOE,

Plaintiff,

v.

No. 1:23-cv-1052-SMD-SCY

QUESTA INDEPENDENT
SCHOOL DISTRICT, LORRI PASSINO,
JOHN ROE 1, and JOHN ROE 2,

Defendants.

ORDER FINDING PLAINTIFF'S RESPONSE TIMELY FILED

On April 11, 2025, Defendants filed a motion for judgment on the pleadings. Doc. 33. Per the Local Rules, Plaintiff's counsel had fourteen days to respond. D.N.M.LR-Civ. 7.4(a). Plaintiff's counsel, however, did not meet this deadline. Thus, on June 16, 2025, the Court entered an order to show cause, Doc. 36, asking Plaintiff's counsel to explain its failure to respond. Plaintiff's counsel timely responded to the Court's order, Doc. 37 (sealed), and contemporaneously filed a response to Defendants' motion, Doc. 38. The Court will not discuss the details of counsel's explanation for its non-response, but notes its understanding of the personal circumstances that interfered with Counsel's legal practice and acknowledges that counsel diligently communicated with Defendants throughout this period. The Court therefore finds that counsel's delay constituted excusable neglect as defined by Federal Rule of Civil Procedure 6(b)(2). *See In re Four Seasons Secs. L. Litig.*, 493 F.2d 1288, 1291 (10th Cir. 1974) (explaining that excusable neglect requires "both a demonstration of good faith by the parties seeking the enlargement" and "a reasonable basis for not complying within the specified period"). Plaintiff's response, Doc. 38, is deemed to be timely filed.



**SARAH M. DAVENPORT
UNITED STATES DISTRICT JUDGE**